

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CARLOS RUIZ FLOREZ,

Plaintiff,

– against –

L & C BRAND REALTY INC. and SOKO-LYA
CAFE INC.,

Defendants.

ORDER

24-cv-00543 (NCM) (RML)

NATASHA C. MERLE, United States District Judge:

This Court has received the Report and Recommendation (“R&R”) on the instant case dated July 29, 2024, from the Honorable Robert M. Levy, United States Magistrate Judge. No objections have been filed.

The Court reviews “*de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-cv-00874, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-00371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Est. of Ellington ex rel. Ellington v. Harbrew Imps. Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, the Court finds no clear error. Accordingly, Judge Levy’s R&R is fully adopted as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Plaintiff’s motion for default judgment is **DENIED** in part and **GRANTED** in part.

Defendants are deemed liable under Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12181 *et seq.* Plaintiff’s request for an injunction ordering defendants to make their facilities ADA compliant is **DENIED** only insofar as it seeks to close defendants’ restaurant during remediation, but is otherwise **GRANTED** as follows: (1) defendants are to provide plaintiff’s counsel an architecture plan that remedies the violations identified in plaintiff’s complaint within sixty (60) days of this order; (2) plaintiff will then have within thirty (30) days from receipt of defendants’ plans to consent or seek further relief from the Court; and (3) defendants shall then implement the plans and remedy any violations within sixty (60) days of plaintiff’s consent or any ruling on plaintiff’s request(s) for further relief. Finally, plaintiff is granted leave to file a motion for attorney’s fees within thirty (30) days of this Order.

SO ORDERED.

/s/ Natasha C. Merle
NATASHA C. MERLE
United States District Judge

Dated: August 29, 2024
Brooklyn, New York